

Boehringer Ingelheim

Corporation

Alan R. Stempel

E-Mail arstempel

Telephone (203) 798-4868

@rdg.boehringer-ingelheim.com

900 Ridgebury Rd/P.O. Box 368 Ridgefield, CT 06877-0368

Telefax (203) 798-4408

TO 917037464060

Telefax

TO:

USPTO, Mail Stop Missing Parts

DATE:

November 16, 2004

Fax Number:

(703) 746-4060

Phone Number:

(703) 308-1202

Total Number of pages:

15 (including cover sheet)

RE:

Response to Notice to File Missing Parts

Serial Number:

10/656,863

Confirmation Number:

2970

Filing Date:

September 5, 2003

First Inventor:

Joerg Kley

Attorney Docket Number: 1/1390,1416

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application which was mailed on October 15, 2004, please find transmitted herewith a Declaration for Utility or Design Patent Application (37 CFR 1.63) which has been executed by the originally-named applicants.

The surcharge set forth in 37 CFR 1.16(e) for submission of the Declaration at this time is \$130.00. The Commissioner is hereby authorized to charge this and any other fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. Triplicate copies of this paper are being transmitted herewith.

As requested, a copy of the Notice to File Missing Parts of Nonprovisional Application is also being transmitted.

Respectfully Submitted,

Alan R. Stempel

Reg. No. 28,991

Certificate of Transmission under 37 CFR 1.8 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on November, 16, 2004

Alan R. Stempel, Reg. No. 28,



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UNITED STATES DEPARTMENT OF CO. United States Patent and Trademark Office

P.O. Box 1450 Alexandria, Vaginta 22313-1450

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/656,863

09/05/2003

Joerg Keley

1/1390,1416

Date Mailed: 10/15/2004

CONFIRMATION NO. 2970

28501

BOEHRINGER INGELHEIM CORPORATION

900 RIDGEBURY ROAD P. O. BOX 368

RIDGEFIELD, CT 06877

12-15-04

FORMALITIES LETTER

OC000000014098622

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03-15-05 LAST DAY

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

\$130 Late oath or declaration Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

11/10/2004 HALVII

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230,00 20

A copy of this notice MUST be returned with the reply. OCT 2 7 2004

ALAN R. STEMPEL

Customer Service Center Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY